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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,330

12/20/2001

Isabelle Rollat

05725.0922-00

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05/03/2010

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EXAMINER

YU, GINA C

ART UNIT

PAPER NUMBER

1611

MAIL DATE

DELIVERY MODE

05/03/2010

PAPER

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RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ISABELLE ROLLAT, HENRI SAMAIN,
BEATRICE PERRON, and SERGE RESTLE

Appeal 2009-010551
Application 10/023,330
Technology Center 1600

Oral Hearing Held: April 21, 2010

Before CAROL A. SPIEGEL, DONALD E. ADAMS and
LORA M. GREEN, Administrative Patent Judges.

ON BEHALF OF THE APPELLANT:

MARK D. SWEET, ESQ.
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1 The above-entitled matter came on for hearing on Wednesday,
2 April 21, 2010, commencing at 9:00 a.m., at the U.S. Patent and Trademark
3 Office, 600 Dulany Street, 9th Floor, Alexandria, Virginia, before Kevin
4 Carr, Notary Public.

5 JUDGE SPIEGEL: Thank you very much. Good morning.

6 CLERK: Good morning. Calendar No. 58, Appeal
7 No. 2009-010551, Mr. Sweet.

8 JUDGE SPIEGEL: Good morning. I'd like to welcome you to
9 the Board for a hearing in Appeal No. 2009-010551, Application No.
10 10/023,330, in the matter of Ex parte Rollat.

11 If you would kindly introduce yourself and your guest? You
12 have 20 minutes for argument, and you may proceed whenever ready.

13 MR. SWEET: Thank you very much. My name is Mark
14 Sweet, and this is my colleague, Maureen Queler.

15 And here are our business cards, if you'd like that, for the
16 spelling. I apologize, my arms aren't longer.

17 Thank you for giving me 20 minutes. I don't intend to come
18 anywhere near that time period.

19 Just want to emphasize two points regarding the rejection of
20 record. As you know, there's one 103 rejection relying on two prior-art
21 references, Torgerson and Yang.

22 The two points I'd like to emphasize is that first, in the
23 rejection, the Examiner states the basis for the rejection is that it would be
24 obvious to substitute the adhesive polymer of Torgerson with the adhesive
25 polymer of Yang. And she sets that forth on, for example, pages 5 and 6 of
26 the answer.

1 The problem with that substitution is that the polymers of
2 Torgerson and Yang are different. Torgerson requires the presence of an
3 acrylate or methacrylate amide. That monomer component, which is again
4 required in Torgerson, is nowhere found in Yang.

5 So the substitution of one for the other, there can't be any
6 expectation of success for doing so. And in fact, the substitution that the
7 Examiner is suggesting goes against the teachings of Torgerson, which again
8 requires that acrylate or methacrylate amide to be there.

9 And the second point that I wanted to point out, is the divergent
10 uses and properties of the adhesives between these two references. The
11 Torgerson reference is directed to a hair-styling product. And one of the
12 properties of the adhesive is that it can be removed by water.

13 In contrast, the polymer used in Yang is supposed to be
14 water-resistant, or water-insensitive. And it's used for decorative light
15 management in optical articles.

16 So, I mean, first off, we're not dealing with anything close to a
17 hair-styling. And then we've got these divergent properties of the polymers,
18 the adhesives themselves. One is water-resistant. One can easily be
19 removed from water.

20 So based on those two points, we believe that this combination
21 that the Examiner is relying upon, is improper.

22 JUDGE SPIEGEL: Well, thank you. I think we understand
23 your position. And a decision should be coming in short order, then.

24 MR. SWEET: Okay. Thank you very much. Have a great day.

25 JUDGE SPIEGEL: Thank you. Have a good day, sir. And
26 ma'am.

Whereupon, at 9:05 a.m., the proceedings were concluded.

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